

To the Members of the California State Senate:

I am returning Senate Bill 439 without my signature.

This bill would require, under specified conditions, the liberal construction of the law regarding write-in votes. The aim of this bill is to allow write-in votes to be counted if the intent of the voter can be determined regardless of whether the voter has complied with voting instructions such as filling in a bubble to indicate their desire to submit a write-in choice.

Although this bill requires liberal construction of the law in very limited cases, the bill does not specify how the voter's intent could be determined. If enacted, this bill would introduce subjectivity into the electoral process without providing any direction or guidance to elections officials.

The integrity of our electoral process depends upon clear and precise rules, and any effort to inject subjectivity and ambiguity into our election laws should be avoided. Requiring that a voter fill in the corresponding bubble for a write-in candidate is necessary for the efficient administration of the vote count, and imposes a very small burden on a voter.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger